

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Debra Franchi

v.

Civil No. 08-cv-00395-JL

New Hampton School

PROCEDURAL ORDER

As discussed in yesterday's telephone conference with counsel, plaintiff shall submit a memorandum on or before **August 23, 2009**, explaining, with reference to this court's decision in Brodeur v. Claremont School District, 2009 DNH 082, and any other relevant authority, how her first amended complaint states a claim for (a) breach of fiduciary duty, see id. 53 at n. 24, (b) breach of contract, (c) negligent infliction of emotional distress by Deborah Franchi in her individual capacity, and (d) intentional infliction of emotional distress. Plaintiff shall also explain how her negligence claims (counts 9 and 10) are not simply duplicative of, respectively, her breach of contract claim (count 7) and her federal statutory claims (counts 1, 2, and 4). Defendant shall file a response, if any, on or before **August 28, 2009**. The clerk shall schedule oral argument for the week of August 31, 2009.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: August 4, 2009

cc: Donna-Marie Cote, Esq.
Peter E. Hutchins, Esq.
Andrew W. Serell, Esq.